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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212653
Party	Defendant MAJESTIQUE CORPORATION
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Date	10/31/2013
Attachments	Answer to the Opposition.pdf(287754 bytes) LIST OF REGISTERED MARKS.pdf(259830 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NAUTICA APPAREL, INC.

Opposer

Vs.

MAJESTIQUE CORPORATION

Applicant

OPP. NO. 91212653
SERIAL NO. 85883577

ANSWER TO THE OPPOSITION

TO THIS HONORABLE TRADEMARK TRIAL AND APPEAL BOARD:

COMES NOW, the Applicant Majestique Corporation, by its undersigned attorney and very respectfully states, alleges and prays:

1. Paragraph One (1) of the Opposition constitutes a conclusion of law, and as such does not require a responsive allegation. If one is required Opposer's allegations to this respect are denied.
2. Paragraph Two (2) of the Opposition is denied for lack of information sufficient to admit or deny its veracity. Opposer has no information to either admit or deny said allegation.
3. Paragraph Three (3) of the Opposition is admitted. Majestique Corporation is organized under the laws of the Commonwealth of Puerto Rico and its principal offices are located at Amelia Industrial Park, Diana Street Lot 27, Jose Flores Building 2, Guaynabo, Puerto Rico.

4. Paragraph Four (4) of the Opposition is admitted. Reference to Applicant petition is hereby made as to the details of said application.

5. Paragraph Five (5) of the Opposition is denied for lack of information sufficient to admit or deny its veracity. The allegation has no consequence to the Applicant's Trademark Application.

6. Paragraph Six (6) of the Opposition is denied for lack of information sufficient to admit or deny its veracity. It is admitted that Opposer has numerous trademarks registrations for different products under different classes and all marks are related to the Nautica brand.

7. Paragraph Seven (7) of the Opposition, mistakenly numbered "8", is denied for lack of sufficient information to admit or deny its veracity. The allegation is too broad and do not specify the International Class under which the allegation refers to.

8. Paragraph Eight (8) of the Opposition, mistakenly numbered "7", is a conclusion and self serving allegation that does not require a responsive allegation. If one is required Opposer's allegations to this respect are denied.

9. Paragraph Nine (9) of the Opposition, mistakenly numbered "8", is denied, it is false and unwarranted speculations of the Opposer.

10. Paragraph Ten (10) of the Opposition, mistakenly numbered "9", is denied for lack of information sufficient to admit or deny its veracity.

11. Paragraph Eleven (11) of the Opposition, mistakenly numbered "10", is denied for lack of information sufficient to admit or deny its veracity.

12. Paragraph Twelve (12) of the Opposition, mistakenly numbered "11", is denied for lack of information sufficient to admit or deny its veracity.

13. Paragraph Thirteen (13) of the Opposition, mistakenly numbered "12", is denied for lack of information sufficient to admit or deny its veracity.

14. Paragraph Fourteen (14) of the Opposition, mistakenly numbered “13”, is denied for lack of information sufficient to admit or deny its veracity.

15. Paragraph Fifteen (15) of the Opposition, mistakenly numbered “14”, is denied. Applicant’s mark is distinctively, different and not similar to Opposing brand name Nautica and mark.

16. Paragraph Sixteen (16) of the Opposition, mistakenly numbered “15”, is denied.

17. Paragraph Seventeen (17) of the Opposition, mistakenly numbered “16” is denied.

18. Paragraph Eighteen (18) of the Opposition, mistakenly numbered “17” is denied for lack of information sufficient to admit or deny its veracity.

19. Paragraph Nineteen (19) of the Opposition, mistakenly numbered “18” is denied.

20. Paragraph Twenty (20) of the Opposition, mistakenly numbered “19” is denied.

21. Paragraph Twenty One (21) of the Opposition, mistakenly numbered “20” is denied.

22. Paragraph Twenty Two (22) of the Opposition, mistakenly numbered “21” is denied.

23. Paragraph Twenty Three (23) of the Opposition, mistakenly numbered “22” is denied.

24. Paragraph Twenty Four (24) of the Opposition, mistakenly numbered “23” is denied.

25. Paragraph Twenty Five (25) of the Opposition, mistakenly numbered “24” is denied.

26. Paragraph Twenty Six (26) of the Opposition, mistakenly numbered “25” is denied.

AFFIRMATIVE DEFENSES

1. Opposer incorporates herein by reference all denials and averments contained in the preceding answers to the Opposition and made them part of these affirmative defenses.

2. The Opposition fails to state a claim upon which relief can be granted against Applicant, Majestique Corporation.

3. Opposer has failed to join indispensable and/or necessary parties.
4. Applicant trademark is used in conjunction with the brand name Sailor which is completely different to the Nautica brand name, which is used in conjunction with the opposing mark.
5. There is no similarity between the Applicant and Opposing respective designation and they are not comparable or similar.
6. There is no similarity in the marketing methods and channels of distribution used for the respective goods and services.
7. There is no specific averment in the Opposition or statement of facts that a reasonable person can conclude that both marks are similar, since there are completely different.
8. There is no likelihood of confusion between both brand names Nautica and Sailor and between the Applicant's mark and Opposer's mark.
9. Applicant has always acted in good faith, it's a law abiding entity which is in the market doing business.
10. There is no similarity in the pronunciation of the designations.
11. Opposer's mark and Applicant's mark are different in kind from those of the other and no prospective purchases would be confused between them.
12. Opposer's averments are speculative and there is no likelihood of confusion. There is no probability of confusion. The marks are not similar and not comparable in sound, site or meaning.
13. There is no allegation of actual confusion and there is no probable confusion. All averments in the Opposition are highly speculative and not probable.

14. Opposer pretends to have a monopoly of all marks that resemble a sailboat, even if the resemble marks are completely different. There are hundreds of sailboats marks recorded and registered. Please see Exhibit A, a list of some Sailboats marks registered. Applicant's mark, which resembles a different type of sailboat than Opposer's mark, is clearly different and cannot cause a reasonable person to confuse both marks.

WHEREFORE Applicant prays that the Application for Registration of Applicant's mark Serial Number 85883577 be granted and the Opposition denied.

Dated: October 31, 2013.

Respectfully submitted for
Applicant Majestique Corporation

BY: /gino negretti/
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Answer to the Opposition by a First Class Mail, prepaid mail by depositing the same with the U.S. Postal Service on this October 31, 2013 to Opposer's Attorney at the following address:

Neil B. Friedman, Esq.
Stephen L. Baker, Esq.
BAKER AND RANNELLS, P.A.
575 Route 28, Suite 102
Raritan, New Jersey 08869

/gino negretti/
Gino Negretti

EXHIBIT 1

LIST OF REGISTERED MARKS

	<u>Name</u>	<u>Registration Number</u>	<u>Date</u>
1.		4251237	11/27/2012
2.	Fortune's Wind	4202897	9/4/2012
3.	Tipsyskipper	4087421	1/17/2012
4.		3983858	6/28/2011
5.	Chesapeake Bay Roasting Company	3943926	4/12/2011
6.	Marine Pool	0686010	10/8/2013
7.	Sunferry	0973067	12/1/2009
8.	Starboard Leadership Consulting LLC	3164108	10/24/2006
9.	Old Spice	3309022	10/9/2007
10.		4346273	6/4/2013
11.		4341309	5/28/2013
12.		4034892	10/4/2011
13.	San Diego County Credit Union	4313063	4/2/2013
14.		4414799	10/8/2013
15.		4404035	9/17/2013
16.	Hardington The Salemaker Team	4375409	7/30/2013
17.	Canal Indemnity	4407346	9/24/2013
18.	Transpac	4405348	9/24/2013

19. April Computers

4404708

9/17/2013